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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Angie Stallings, Deputy Superintendent
Policy and Communication

DATE: September 8-9, 2016

ACTION: R277-512 *Online Licensure* (Amendment and Continuation)

Background: Last month the Law and Licensing committee discussed the public licensee look-up tool that is currently under development. Board staff was directed to prepare rule changes that would allow Licensing to roll out the public tool and grant the public access to information on educator licenses. This rule is amended to conform to the rulewriting manual. Finally, the rule is due for continuation. Board staff has reviewed the rule and determined that it continues to be necessary.

Board Strategic Plan:
This item supports the following imperative and strategies in the Board's Strategic Plan: Oversight - Monitor, review, and provide general supervision to all public education institutions and other entities for which the State Board has responsibility.

Anticipated Action:
It is proposed that the Law and Licensing Committee consider approving R277-512, as amended and continued, on first reading and, if approved by the Committee, the Board consider approving R277-512, as amended and continued, on second reading.

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R277. Education, Administration.

R277-512. Online Licensure.

R277-512-[~~2~~]1. Authority and Purpose.

[~~A.~~](1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests the general control and supervision of the public schools in the Board[~~, by~~];

(b) Section 53A-1-402(1)(a), which directs the Board to make rules regarding the certification of educators[~~,~~]; and

(c) Section 53A-1-401[~~(3)~~], which allows the Board to [~~adopt rules in accordance with its responsibilities.~~] make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2) The purpose of this rule is to provide procedures to ensure that consistency, quality, and fairness are maintained as license transactions change to online processes.

[~~Online licensure shall incorporate current and emerging electronic and information technologies to better meet the needs of applicants for new licenses, for current license holders, for recommending institutions, and for school districts and charter schools.~~]

R277-512-[~~1~~]2. Definitions.

[~~A. "Board" means the Utah State Board of Education.~~]

[~~B.~~](1)(a) "Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)" means the electronic file maintained on all licensed Utah educators[~~. The file includes information such as~~], including:

([~~1~~]a) personal directory information;

([~~2~~]b) educational background;

([~~3~~]c) endorsements;

([~~4~~]d) employment history;

([~~5~~]e) professional development information; and

([~~6~~]f) a record of disciplinary action taken against the educator.

(b) [~~All i~~]Information contained in an individual's CACTUS file [~~is available to the individual, but is classified private or protected under Section 63G-2-302 or 305-~~

~~and is accessible only to specific designated individuals.~~]may only be released in accordance with Title 63G, Chapter 2, Government Records Access Management Act.

(2) "LEA," for purposes of this rule, includes the Utah Schools for the Deaf and Blind.

[~~C.~~](3) "License," for purposes of this rule, means an authorization issued by the Board which permits the holder to serve in a professional capacity in the public schools consistent with Section 53A-6-103.

[~~D.~~](4) "License record" means the electronic record of license holder and license applicant personal information and credentials maintained by the Superintendent on the CACTUS database [~~at the USOE.~~]

[~~E.~~](5) "License transaction" means the interactions between a license holder or applicant and the [~~USOE or Board~~] Superintendent that result in issuance of:

(a) a license[~~,~~];

(b) a renewal of a license[~~,~~]; or

(c) a modification of a license or license record [~~by or from the USOE~~].

[~~F.~~](6) "Online license transaction" means those license transactions that take place via the process maintained by [~~the USOE~~] a contracted provider, chosen by the Superintendent.

[~~G. "USOE" means the Utah State Office of Education.~~]

[~~H.~~](7) "Utah Professional Practices Advisory Commission" or "UPPAC" means a Commission established to assist and advise the Board in matters relating to the professional practices of educators, consistent with [~~Sections 53A-6-301 through 53A-6-307.~~]Title 53A, Chapter 6, Part 3, Utah Professional Practices Advisory Commission.

R277-512-3. Procedures.

[~~A.~~](1) All current Board rules, statutory and Board definitions, and requirements established by statute and Board rules shall apply to all license transactions, regardless of whether the transactions occur online or by other means.

[~~B.~~](2)(a) Educators may receive an electronic or paper verification[~~s~~] of a licensure transaction[~~s,~~]

(b) [~~but these shall not constitute the~~]A verification provided under Subsection (2)(a) is not an educator license.

[~~C.~~](3) CACTUS shall be the final repository of educator information and credentials for [~~school districts, charter schools,~~]LEAs and other authorized CACTUS users.

[~~D.~~](4) Timelines, electronic processes and procedures, payment procedures, formats, and other elements of online licensure transactions shall meet standards of quality, ease of use, and accessibility consistent with those generally found in other wide-spread online processes.

[~~E. USOE~~](5) The Superintendent shall conduct educator licensing transactions[~~ shall take place~~] electronically.

[~~F.~~](6) Approved Utah educator preparation institutions, [~~school districts, charter schools~~]LEAs, and other CACTUS users shall cooperate with the [~~USOE~~]Superintendent by using the online tools and procedures provided by the [~~USOE~~]Superintendent for transmission of information related to licensing.

R277-512-4. Audits.

[~~A.~~](1) The [~~USOE~~]Superintendent shall establish an auditing program that provides for[~~ adequate~~] review of online licensure transactions[~~.~~] for:

(a) [~~The purpose of audits is to ensure the~~]accuracy[~~,~~];

(b) reliability[~~,~~]; and

(c) completeness[~~ of online licensure transactions~~].

[~~B. All licensure transactions may be subject to audit within one year of the completion of the transaction or at any time for cause. Audits shall be conducted by USOE staff.~~]

(2) The Superintendent may subject any licensure transaction to audit:

(a) within one year without cause; or

(b) at any time with cause.

[~~C.~~](3) [~~Individuals designated by school districts and charter schools and approved by the USOE shall~~]An LEA may designate individuals, subject to approval by the Superintendent, to have the opportunity to access and review licenses acquired or renewed online to verify licensure of employees.

[~~D.~~](4)(a) [~~Audits~~]An audit conducted under Subsection (2) may include a review of license holder documentation to verify the statements made by the license holder as part of the online license transaction.

(b) In order to verify that the assertions made by a license holder were accurate, a [~~The~~]license holder may be required to submit:

(i) transcripts[~~,~~];

(ii) records of participation in professional development activities[~~,~~];

(iii) supervisor letters or endorsements[~~,~~]; and

(iv) other documentation [~~needed to determine that the assertions of the license holder made during the license transaction were accurate and verifiable.~~]requested by the Superintendent.

[~~E.~~](5) If an audit finds that a license applicant or license holder intentionally provided false, misleading, or otherwise inaccurate information in a license transaction, the audit findings shall be forwarded to [~~the Utah Professional Practices Advisory Commission~~]UPPAC.

[~~F.~~](6) A license transaction that was completed on the basis of inaccurate information may be voided at any time with[~~ reasonable~~] notice to the license holder.

R277-512-5. License Applicant and License Holder Responsibilities.

[~~A.~~](1) A [~~L~~]license applicant[~~s and~~] or license holder[~~s~~] shall supply accurate and complete information[~~ as requested~~] in all license transactions.

[~~B.~~](2) A [~~L~~]license applicant[~~s and~~] or license holder[~~s~~] shall maintain files and documentation of the information provided in [~~all~~]a license transaction[~~s~~] for a period of one year after the completion of the license transaction.

[~~C.~~](3) A license applicant or license holder that supplies inaccurate, misleading, false, or otherwise unreliable information in any license transaction shall be subject to the full range of disciplinary actions that may be applied by [~~the Utah Professional Practices Advisory Commission~~]UPPAC and the Board.

R277-512-6. Licensing Costs.

[~~A.~~](1) [~~The Utah legislative intent and the intent of the Board is that the~~] The licensing process [~~should~~]shall be automated and[~~ should be~~] self-sustaining.

(2) The Superintendent shall incorporate current and emerging electronic and information technologies to better meet the needs of applicants for new licenses, for current license holders, for recommending institutions, for LEAs and the general public.

[~~B.~~](3) The [~~USOE~~]Superintendent shall determine and assess licensing fees to license applicants that cover the actual and complete costs of licensing.

[~~C.~~](4) The [~~USOE~~]Board's Licensing Section shall maintain accurate records and documentation of:

(a) fees assessed[~~ and~~];

(b) costs of online licensing; and

(c) any [~~USOE~~]Superintendent review responsibilities.

R277-512-7. Licensing Records.

[~~A. Records~~](1) The Superintendent shall record documentation of online licensure transactions[~~ shall be recorded~~] in CACTUS.

[~~B.~~](2)(a) License applicants shall be required to submit a social security number in order to be licensed.

(b) A license applicant's [~~S~~]social security number[~~s~~] shall be [~~carefully protected and only individuals specifically designated by school districts/charter schools and approved by the USOE shall have access to licensing files~~]classified as private in accordance with Subsection 62G-2-302(2)(d).

[~~C.~~](3) A [~~L~~]license applicant[~~s and~~] or license holder[~~s~~] shall update personal CACTUS information in a timely manner.

[~~D.~~](4) CACTUS records may be used by the [~~USOE~~]Superintendent for research and other valid educational purposes.

(5) The Superintendent shall provide an online licensing database where the general public may access the following information from CACTUS regarding an educator:

(a) Licenses issued by the Board;

(b) Endorsements on an educator's license;

(c) Current Assignment;

(d) Education Background; and

(e) Board disciplinary action against a license, which resulted in:

(i) Suspension; or

(ii) Revocation.

KEY: online, licensure

Date of Enactment or Last Substantive Amendment: [~~January 23, 2007~~]2016

Notice of Continuation: [~~January 17, 2012~~]2016

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(a); 53A-1-401[~~(3)~~]